IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.43126 of 2008
CHANO MAHTON @ BHUTWA …….. PETITIONER
Versus
THE STATE OF BIHAR …….. OPP. PARTY
---

2. 18.11.2008 Heard Sri Amir Alam, Advocate for the petitioner and Sri D. Mehta, APP for the State.

A truck was hijacked and the driver and cleaner were murdered, as appears the case. Subsequently, the truck was found plying on road. The police found two persons running away from the cabin of the truck and one of them was chased, it was this petitioner. Three more persons were sitting in the cabin of the truck. The petitioner and a co-accused made a clean disclosure of the manner in which the truck was hijacked and two persons, the driver and the cleaner were murdered.

WEB COPY NOT OFFICIAL

As regards the confession of an co-accused, I am not acting upon on under general circumstances, but when one is found under a circumstance, like the present one, then in that connection for the purposes of considering the prayer for bail, I could very much acting upon a confession of the co-accused because being found in possession of the property, like the petitioner. In the present case could be

evidence itself of once participation and the dead bodies could also not be traced.

The contention is that some of the accused have been admitted to bail. But how they are related or concerned with the offence, the court has nothing to know about that aspect of the matter.

Regard being had to the direct nature of evidence of being found in possession of the property, which the subject matter of the entire offence and also considering that the petitioner was caught running away from the truck, I am not inclined to direct his release.

The petition is dismissed.

WEB COPY

DKS/ **(Dharnidhar Jha, J.)**

NOT OFFICIAL